

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNNY WILLIAM ZOYDE,
Plaintiff(s),

- Against -

DETECTIVE ANDREW BARNES,
Defendant(s).

Complaint of
malicious Obtainment
of Grand Jury
Indictment

PLAINTIFF, BY PRO SE, ATTORNEY

COMPLAINING AGAINST DEFENDANT ALLEGES,

AS FOLLOWS:

1. A NOTICE OF CLAIM AGAINST DETECTIVE

ANDREW BARNES, IN THIS MATTER WAS

FILED ON THE _____ DAY OF SEPTEMBER, 2022, AND

EXHIBIT "A" Appellate Division 2014

Memorandum; also, EXHIBIT "B" Decision and

Order of Judge Hafner, J., also, EXHIBIT "C" SORA FORM.

2. PLAINTIFF IS A RESIDENT OF THE STATE

page 1 of 6

OF NEW YORK COUNTY OF ONONDAGA currently
located at Onondaga County Inmate Justice Center
555 SOUTH STATE STREET, SYRACUSE, New York
13202-2104.

3. AT ALL RELEVANT TIMES HEREIN THE
DEFENDANT WAS A SWORN POLICE OFFICER OF
THE COUNTY OF ONONDAGA SHERIFF LOCATED IN
THE CITY OF SYRACUSE, NEW YORK STATE, AND
ACTED WITHIN THE SCOPE OF HIS
AUTHORITY AND PURSUANT TO HIS DUTIES AS
AN OFFICER OF THE ONONDAGA SHERIFF'S POLICE.

4. ON OR ABOUT THE TWENTY-EIGHTH DAY OF
JULY, TWO THOUSAND, AND SIXTEEN, THE
DEFENDANT TESTIFIED BEFORE A GRAND
JURY OF THE ONONDAGA COUNTY FOR
THE PURPOSE OF PROCURING AN INDICTMENT

page: 2 of 6

AGAINST PLAINTIFF AS HEREINAFTER
ALLEGED.

5. THE DEFENDANT TESTIFIED BEFORE THE
GRAND JURY FALSELY, MALICIOUSLY AND
WITHOUT PROBABLE CAUSE THAT PLAINTIFF HAD
COMMITTED THREE COUNTS OF THE CRIME OF
FAILURE TO REGISTER / VERIFY CHANGE OF
ADDRESS AS A SEX OFFENDER, SUCH
TESTIMONY WAS FALSE IN THAT MALICIOUS
OBTAINMENT OF GRAND JURY INDICTMENT.

6. SUCH TESTIMONY WAS GIVEN BY DEFENDANT
WITH INTENT THAT PLAINTIFF BE
INDICTED FOR THREE COUNTS OF THE CRIMES
OF FAILURE TO REGISTER / VERIFY CHANGE
OF ADDRESS AS A SEX OFFENDER.

7. PLAINTIFF HAD NO KNOWLEDGE OR
NOTICE OF THE PROCEEDING BEFORE SUCH

page: 3 of 6

GRAND JURY, AND DID NOT APPEAR
BEFORE SUCH GRAND JURY AND DID NOT
HAVE, AND WAS NOT AFFORDED THE
OPPORTUNITY TO PRESENT THE PLAINTIFF'S
TESTIMONY AND PROOF BEFORE IT.

8. SOLELY BASED ON, AND IN RELIANCE ON
THE FALSE AND PREJUDICIAL TESTIMONY OF
THE DEFENDANT AND BY REASON OF THE
DEFENDANT'S malicious obtainment of grand
jury indictment, AS ALLEGED, SAID GRAND
JURY ON THE TWENTY-EIGHTH DAY OF
JULY, TWO THOUSAND, AND SIXTEEN,
INDICTED PLAINTIFF FOR THE THREE COUNTS
CRIME OF FAILURE TO REGISTER / VERIFY
CHANGE OF ADDRESS AS A SEX OFFENDER.
THE INDICTMENT WAS DESIGNATED AS

INDICTMENT NUMBER 2016-0698-2 AND WAS

page 4/46

RETURNED IN OPEN COURT ON THE 02ND OF
AUGUST, 2016, AND WAS DULY DOCKETED AS
INDEX NUMBER 16- [REDACTED] 0831.

9. THEREAFTER, ON THE FIRST DAY OF
DECEMBER, TWO THOUSAND, AND SIXTEEN,
PLAINTIFF'S FIRST COUNT OUT OF THREE WAS
DISMISSED, THUS TERMINATING THE
PROSECUTION IN FAVORED TO PLAINTIFF

10. AS A PROXIMATE RESULT OF THE dismissal
CRIMINAL VACATED / REVERSED CHARGE
INITIATED BY THE DEFENDANT,

PLAINTIFF HAS ALSO BEEN DAMAGED
IN THE SUM OF \$100,000.00, INCLUDING
COST OF ATTORNEY'S FEE OF 0 INCURRED
INDEFENSE OF THE CHARGE, 0 COST OF
OBTAINING BAIL IN THE SUM OF 0, AND
OTHER COSTS AND EXPENSES, [REDACTED]

page 5 of 6

11. THE ACT OF THE DEFENDANT WAS WILLFUL
 WANTON, MALICIOUS AND OPPRESSIVE AND
 WERE MOTIVATED SOLELY BY A DESIRE TO
 HARM PLAINTIFF FOR FALSE ARREST, DISMISSAL,
 IMPRISONMENT, INSUFFICIENT EVIDENCE OR
 BY HATRED OF, OR ILL-WILL TOWARD
 PLAINTIFF SUCH ACTS THEREFORE DESERVE AN
 AWARD OF \$100,000.00 AS PUNITIVE
 DAMAGES, WHICH INCLUDES ALL PAST FILING
 UNPAID COURT FEES IN THIS COURT.

WHEREFORE, plaintiff demands judgment
 against the defendant in the aforesaid amounts,
 and costs of this court.

DATED: September, 26th, 2022
 Syracuse, NY 13202

RESPECTFULLY SUBMITTED,

Johnny Boyle
 Johnny Boyle
 PRO SE PLAINTIFF

pg. 6 of 6

EXHIBIT

(A)

SUPREME COURT OF THE
STATE OF NEW YORK

Appellate Division Fourth Judicial
Department

NOVEMBER 14TH, 2014

page: 1 of 1

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1076

KA 13-00991

PRESENT: SMITH, J.P., PERADOTTO, CARNI, VALENTINO, AND WHALEN, JJ.

10-1137

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JOHNNY BOYDE, DEFENDANT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (PHILIP ROTHSCHILD OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (MISHA A. COULSON OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Onondaga County Court (Joseph E. Fahey, J.), rendered February 15, 2011. The judgment convicted defendant, upon his plea of guilty, of sexual abuse in the first degree, sexual abuse in the second degree and endangering the welfare of a child.

It is hereby ORDERED that the judgment so appealed from is unanimously reversed as a matter of discretion in the interest of justice and on the law, the plea is vacated, and the matter is remitted to Onondaga County Court for further proceedings on the indictment..

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of sexual abuse in the first degree (Penal Law § 130.65 [2]), sexual abuse in the second degree (§ 130.60 [2]), and endangering the welfare of a child (§ 260.10 [1]). Defendant contends that his plea should be vacated on the ground that it was coerced by County Court's statement that it would impose the maximum permissible sentence of imprisonment in the event defendant was convicted following a trial. As the People correctly concede, defendant's contention " 'survives [a] valid waiver of the right to appeal' " (People v Zimmerman, 100 AD3d 1360, 1362, lv denied 20 NY3d 1015; see People v Sparcino, 78 AD3d 1508, 1509, lv denied 16 NY3d 746). Although "[d]efendant failed to move to withdraw his plea or to vacate the judgment of conviction and thus failed to preserve for our review his contention that his plea was coerced" (People v Lando, 61 AD3d 1389, 1389, lv denied 13 NY3d 746; see People v Boyd, 101 AD3d 1683, 1683), we exercise our power to review his contention as a matter of discretion in the interest of justice (see CPL 470.15 [3] [c]). We agree with defendant that "the court's statement[] do[es] not amount to a description of the range of the potential sentences but, rather, [it] constitutes impermissible coercion, 'rendering the plea

06F1024

-2-

1076

KA 13-00991

involuntary and requiring its vacatur' " (People v Flinn, 60 AD3d 1304, 1305; see People v Kelley, 114 AD3d 1229, 1230).

Entered: November 14, 2014

Frances E. Cafarell
Clerk of the Court

06F1025

1024

Supreme Court
APPELLATE DIVISION
Fourth Judicial Department
Clerk's Office, Rochester, N.Y. }

I, FRANCES E. CAFARELL, Clerk of the Appellate Division of the Supreme Court in the Fourth Judicial Department, do hereby certify that this is a true copy of the original order, now on file in this office.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at the City of Rochester, New York, this NOV 14 2014

Frances E. Cafarell

Clerk

CE 10-1137

FILED

CLERK OF THE COURT
SUPREME COURT
APPELLATE DIVISION
FOURTH DEPARTMENT
ROCHESTER, N.Y.

2014 NOV 18 A 11:51

06F1026

EXHIBIT

(B)

DECISION
AND
ORDER

ACTING JUDGE HAFNER, J.

page: 1 of 1

COUNTY COURT
COUNTY OF ONONDAGA STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

V.

Ind. # 2016-0698-1
Index # 16-0831

JOHNNY BOYDE,

Defendant.

DECISION / ORDER

Hafner, J.

The defendant is charged in this indictment with three counts of Failure to Register, in violation of *Corrections Law § 168-f[4]*.

The defendant filed an Omnibus Motion on September 27, 2016 seeking [1] examination of the grand jury minutes pursuant to *Criminal Procedure Law § 210.30[1]* and [2]; [2] an order dismissing the indictment pursuant to *Criminal Procedure Law § 210.20-1[b]* on the grounds that there was not legally sufficient evidence presented to the grand jury to establish the charged crimes; [3] an order precluding the People from offering evidence of prior criminal convictions, vicious, immoral or bad acts of the defendant upon cross-examination of the defendant.

The People filed an Answering Affirmation on October 25, 2016 opposing the relief requested by the defendant.

As the People have not shown that good cause exists to deny the motion to inspect the grand jury minutes, pursuant to *Criminal Procedure Law § 210.30[3]*, the Court must grant the defendant's motion to inspect the grand jury minutes.

The Court has examined the grand jury minutes and finds that release of the minutes, or certain portions thereof, is not necessary to assist the court in making its determination of the defendant's motions.

16F0888

In determining a motion to dismiss an indictment or counts therein on the grounds of legal insufficiency of the evidence before the grand jury, the Court must consider only such evidence as was adduced before the grand jury and consider such evidence in a light most favorable to the People. The requirement of legal sufficiency is satisfied where " ... the competent evidence which, if accepted as true, would establish every element of an offense charged and the defendant's commission thereof." *Criminal Procedure Law § 70.10[1]; People v. Swamp, 84 NY2d 725.*

Determining the competent evidence, if any, that was adduced before the grand jury in this case has proved to be a confounding endeavor, primarily due to the often confusing and sometimes misleading testimony of Det. Barnes, due to contradictory documentary evidence and due to a handful of perplexing questions from the prosecutor.

For example, the prosecutor asked Det. Barnes "where was his registered address he was supposed to be staying at as of before April of 2015." Det. Barnes said "he re-registered 120 Gifford Street, Rescue Mission, City of Syracuse." Det. Barnes then testified that the defendant told him at the time of his release from custody on April 29, 2015, that "he was going to 120 Gifford Street." At another point in his testimony, Barnes told the grand jury that "he stated when he got out of jail he was going to 301 McCool Ave Apt 2. That is not where he actually filed his latest change of address." The prosecutor asked Barnes a series of questions to establish that the defendant had stopped living at the Rescue Mission sometime in June and that the defendant had not come to Barnes with a form reporting the change of address from the Rescue Mission to wherever his new residence was.

A reasonable inference to draw from these questions and answers provided is that the prosecutor and the witness were attempting to establish that the defendant's registration obligation commenced on the date of his guilty plea on April 29, 2015 and that the Rescue Mission was the original address provided by the defendant to law enforcement at the time he was registered as a sex offender.

The problem with the elicitation of such evidence is that the defendant's designation as a "sex offender," within the meaning of *Corrections Law § 168-a[1]*, was vacated by operation of law upon reversal of his judgment on November 14, 2014, and the defendant did not become a "sex offender" (again) until he was sentenced on July 21, 2015. His registration obligations were not activated on the date of his guilty plea (April 29, 2015), but rather became effective as of July 21, 2015 upon sentencing. During the period from November 14, 2014 through July 21, 2015, the defendant was not a "sex offender" subject to the registration requirements of *Corrections Law § 168-a*. The location of his residence in April, 2015 or in June, 2015, is irrelevant to the analysis of whether the defendant failed to notify the Division of Criminal Justice Services (DCJS) of any change of address and any testimony that suggested that the defendant was subject to the registration requirements in April, 2015 or in June, 2015 is simply confusing and misleading.

Barnes later testified that the defendant was "put back on the registry" on July 21, 2015. He was then shown an exhibit that contained the New York State Sex Offender Registration Form for the defendant, a New York State Sex Offender Change of Address Form for the defendant and a two page document from a DCJS clerk. The DCJS clerk wrote on one of the pages of the document "Mr. Boyde notified DCJS that his address was 120 Gifford Street, Syracuse, NY 13202 on a Sex Offender Change of Address Form dated 4/29/15 - a certified copy of this change of address form is attached." However, a review of the Sex Offender Change of Address Form completed by the defendant attached to the clerk's certification document shows that it was dated 12/9/15, not 4/29/15 as stated by the clerk on the document. Barnes then testified that the defendant notified DCJS when he registered on July 21, 2015 that he was going to live at 120 Gifford Street, at the Rescue Mission. The Sex Offender Registration Form shows that the defendant in fact reported his address to DCJS on July 21, 2015 to be 301 McCool Ave Apt 2, East Syracuse, New York, not 120 Gifford Street as testified to by Det. Barnes.

The competent evidence presented to the grand jury established that the defendant was arrested on July 21, 2010 for Sexual Abuse in the First Degree, a charge for which he was later indicted and convicted. The defendant's conviction was reversed by the Appellate Division, Fourth Judicial Department on November 14, 2014 and was remanded to Onondaga County Court for further proceedings on the reinstated indictment.

The competent evidence presented to the grand jury established that on April 29, 2015, the defendant pleaded guilty to Sexual Abuse in the First Degree. The defendant was sentenced on July 21, 2015 to an unconditional discharge with credit for time served in jail on the indictment. The defendant was assigned a sex offender risk level three at sentencing. The defendant reported his residence at the time of sentencing to be 301 McCool Ave Apt 2, East Syracuse, New York. The defendant declined to sign the New York State Sex Offender Registration Form at sentencing because he believed that he was absolved from the registration requirements attendant to his July 21, 2015 conviction for Sexual Abuse in the First Degree because his 2011 judgment of conviction for Sexual Abuse in the First Degree had been vacated.

The competent evidence presented to the grand jury established that on December 15, 2015, the New York State Sex Offender Registry received a Change of Address Form from the defendant that was dated 12/9/15 in which the defendant reported his new address to be 120 Gifford Street in Syracuse. The defendant did not actually change his residence to the Rescue Mission until December 29, 2015, then he stayed for 15 consecutive nights at the Rescue Mission. The defendant did not reside at the Rescue Mission after January 12, 2016. The defendant did not file a Change of Address Form with the Sex Offender Registry within ten days of when he stopped residing at the Rescue Mission on January 12, 2016, or at any time thereafter. The defendant did not personally verify his address with the Syracuse Police Department ninety days after sentencing on July 21, 2015, or at any time thereafter.

The Court concludes that the competent evidence presented to the grand jury was sufficient to establish the crimes charged in count 2 and in count 3. The competent evidence presented to the grand jury established [1] that the defendant is a sex offender as defined in *Corrections Law § 168-a[1]*; [2] that from the period of January 23, 2016 (more than ten days after the defendant's change of residence from the Rescue Mission on January 12, 2016) to July 1, 2016, the defendant failed to register his change of address from the Rescue Mission with the Division of Criminal Justices; and [3] that the defendant is a level three sex offender who failed to personally verify his address with the Syracuse Police Department ninety days after his sentencing on July 21, 2015 (i.e. on or about October 19, 2015) or at any time thereafter to July 1, 2016. Contrary to the defendant's belief, the fact that he did not sign the Sex Offender Registration Form at sentencing does not relieve him from the registration and notification requirements imposed upon him by statute as a result of his July 21, 2015 conviction for Sexual Abuse in the First Degree.

The Court finds that the competent evidence presented to the grand jury was not sufficient, however, to establish the crime charged in count one. The defendant reported to the court at sentencing on July 21, 2015 that he resided at 301 McCool Avenue Apt 2 in East Syracuse. With the exception of four non-consecutive nights where he slept at the Rescue Mission, and a night (December 8, 2015) where he slept at the Justice Center, the defendant apparently resided at 301 McCool Avenue Apt 2 in East Syracuse. The Court does not consider the defendant's five sporadic, one night respites at the Rescue Mission or the Justice Center during a five month period to be a change of address from 301 McCool Avenue that would trigger the notification requirement of *Corrections Law § 168-f[4]*. However, the defendant's obligation to file a change of address form with the Division of Criminal Justice Services was activated by his relocation to the Rescue Mission on December 29, 2015, and not at any earlier time.

It is worthy to note that count 1, count 2 and count 3 each allege a violation of *Corrections Law § 168-f[4]*. The prosecutor instructed the grand jury on *Corrections Law § 168-f[4]* with respect to count 1 and count 2. However, with respect to count 3, the prosecutor instructed the grand jury on *Corrections Law § 168-f[3]* and the accusatory portion of count 3 properly reflects the statutory language of *Corrections Law § 168-f[3]*, despite the fact that count 3 alleges, as presently written, a violation of *Corrections Law § 168-f[4]*.

The defendant's motion for an order dismissing count 2 and count 3 of the indictment pursuant to *Criminal Procedure Law § 210.20-1[b]* is denied. The defendant's motion for an order dismissing count 1 of the indictment pursuant to *Criminal Procedure Law § 210.20-1[b]* is granted.

In the event that the People make an application to offer evidence of any prior criminal convictions, vicious, immoral or bad acts of the defendant upon cross-examination of the defendant, the Court will conduct a *Sandoval* hearing prior to trial.

The defendant's Omnibus Motion included a demand for discovery pursuant to *Criminal Procedure Law § 240.20* and a request for a bill of particulars pursuant to *Criminal Procedure Law § 200.95*. The People have provided discovery in response to the defendant's demand. No subsequent motion for court ordered discovery has been filed by the defendant. The People provided a bill of particulars to the defendant. The defendant has not indicated any dissatisfaction with the People's bill of particulars.

Pursuant to 22 NYCRR 200.12, a preliminary trial conference is scheduled for Friday, December 2, 2016 at 9:00am. If there is no disposition on December 2, 2016, this matter will be scheduled for trial. Any potential expert witness for trial shall be identified at the preliminary trial conference. If the People believe that any prior statements of potential witnesses in their possession or control are not discoverable under the *Criminal Procedure Law*, or under *Brady* or *Rosario*, the People shall identify said statements by an *ex parte* application to the Court, and file either a written refusal to produce said evidence pursuant to *Criminal Procedure Law § 240.35* and/or file a motion for a protective order pursuant to *Criminal Procedure Law § 240.50*.

NOW, it is therefore

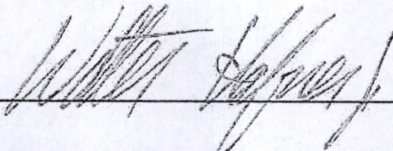
ORDERED, that the defendant's motion for an order dismissing count 1 of the indictment pursuant to *Criminal Procedure Law* § 210.20-1[b] is **granted**; and it is further

ORDERED, that the defendant's motion for an order dismissing count 2 and count 3 of the indictment pursuant to *Criminal Procedure Law* § 210.20-1[b] is **denied**; and it is further

ORDERED, that in the event that the People make an application to offer evidence of any prior criminal convictions, vicious, immoral or bad acts of the defendant upon cross-examination of the defendant, the Court will conduct a *Sandoval* hearing prior to trial.

This constitutes the Decision and Order of the Court.

Dated: December 1, 2016



Hon. Walter W. Hafner, Jr.
Acting Onondaga County Court Judge

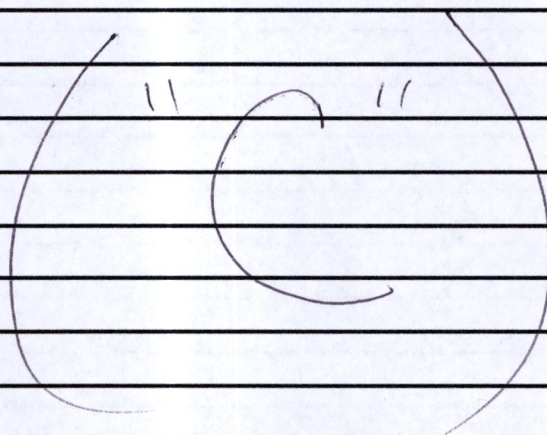
ONONDAGA COUNTY CLERK'S OFFICE
SANDOVAL STAMP

2016 DEC -5 P 12:21

FILED & ENTERED

16F0894

EXHIBIT



SOZA FORM

#44414

JULY 21ST, 2015

page: 1 OF 1

SEX OFFENDER REGISTRATION FORM																																					
Please Print or Type ALL Information, instructions are on back of form																																					
<div style="display: flex; justify-content: space-between;"> <div> <p>1. Name (Last, First, Middle) BOYDE, JOHNNY</p> <p>2. Alias / Nickname / Maiden Name (Last, First, Middle)</p> </div> <div> <p>3. Date of Birth Mo Day Yr 8-1-90</p> <p>4. Sex M <input checked="" type="checkbox"/> F <input type="checkbox"/> O</p> </div> </div>																																					
<div style="display: flex; justify-content: space-between;"> <div> <p>5. Race <input type="checkbox"/> White <input checked="" type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Unknown</p> <p>6. Ethnic Origin <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown</p> </div> <div> <p>7. Height Feet Inches 5 11</p> <p>8. Weight 198</p> <p>9. Hair BLK</p> </div> <div> <p>10. Eyes BRN</p> <p>11. Glasses <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Contacts</p> </div> </div>																																					
<div style="display: flex; justify-content: space-between;"> <div> <p>12. Scars / Marks / Tattoos <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe on Continuation/Supplemental Form</p> <p>13. Social Security No. 057-78-1632</p> </div> <div> <p>14. NYS ID No. 2593752Q</p> <p>15. FBI No. 29086600</p> </div> </div>																																					
<div style="display: flex; justify-content: space-between;"> <div> <p>16. Driver's License No. & State N/A</p> <p>17. License Plate No.</p> <p>18. Issuing State</p> </div> <div> <p>19. Vehicle Year</p> <p>20. Make</p> <p>21. Model</p> <p>22. Color</p> </div> </div>																																					
<p>Answer the following three questions if sex offender subscribes to an internet account</p> <div style="display: flex; justify-content: space-between;"> <p>23. Name(s) of Internet Service Provider(s) N/A</p> <p>24. User/Screen Name(s)</p> <p>25. Email Address(es)</p> </div>																																					
<p>26. Institution of Higher Education (name) <input type="checkbox"/> Attending <input type="checkbox"/> Employed At <input type="checkbox"/> Enrolled At</p> <p>27. Anticipated Dates of Attendance, Employment, or Enrollment From: Mo Day Yr To: Mo Day Yr</p>																																					
<p>28. Institution of Higher Education Address (include City, State, Zip)</p> <p>29. County</p>																																					
<p>30. Arresting Agency SYRACUSE POLICE DEPT</p> <p>31. County ONONDAGA</p> <p>32. Date of Arrest Mo Day Yr 7 21 2010</p> <p>33. Date of Crime Mo Day Yr 7 21 2010</p>																																					
<p>34. Sex Offender's Address at Time of Arrest (Street No., Street Name, Bldg. No., Apt. No.) 201 OXFORD ST SYRACUSE NY 13202</p> <p>35. City, State, Zip SYRACUSE NY 13202</p> <p>36. County ONONDAGA</p>																																					
<p>37. Conviction(s) for Registration Purposes (include subsection, if applicable) 130.65(2) SEXUAL ABUSE 1st</p> <p>38. Sentencing Court ONONDAGA COUNTY COURT</p> <p>39. Docket No. 2010-0948-1</p>																																					
<p>40. Date of Conviction 4 29 15</p> <p>41. Sentence(s) Imposed of Conviction TIME SERVED</p>																																					
<p>42. Victim(s) Age and Gender Victim 1 Age: 11 Gender: F Victim 2 Age: _____ Gender: _____ Victim 3 Age: _____ Gender: _____ Victim 4 Age: _____ Gender: _____</p>																																					
<p>43. Mode of Operation/Description of Offense of Conviction (select all that apply)</p> <table border="1"> <thead> <tr> <th></th> <th>Actual</th> <th>Attempted</th> <th>More Than Once</th> </tr> </thead> <tbody> <tr> <td>a. Description of actual crime (check all that apply):</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Sexual intercourse</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Oral or anal sexual conduct</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Sexual contact</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Kidnapping/unlawful imprisonment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Fattorizing/prohibiting prostitution</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Disseminating淫秽 materials to a minor</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Promoting/possessing sexual performance by a child</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p>b. Relationship to victim(s) (select all that apply): <input type="checkbox"/> Stranger <input checked="" type="checkbox"/> Non-stranger <input type="checkbox"/> Unknown <input type="checkbox"/> Person in actual or apparent position of authority other than family member Describe: _____</p> <p>c. Was force used or did physical assault occur? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown If Yes, type: _____</p> <p>d. Was a weapon used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown If yes, type: _____</p> <p>e. Was a computer/Internet used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>f. Was pornography involved? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>g. Threat <input type="checkbox"/> Hit with hand/object <input type="checkbox"/> Coercion <input type="checkbox"/> Immediately and physically overpowered <input type="checkbox"/> Choked <input type="checkbox"/> Vehicle <input type="checkbox"/> Stabbed <input type="checkbox"/> Chemical agent <input type="checkbox"/> Shot <input type="checkbox"/> Other</p>			Actual	Attempted	More Than Once	a. Description of actual crime (check all that apply):				Sexual intercourse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Oral or anal sexual conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sexual contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kidnapping/unlawful imprisonment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fattorizing/prohibiting prostitution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Disseminating淫秽 materials to a minor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Promoting/possessing sexual performance by a child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Actual	Attempted	More Than Once																																		
a. Description of actual crime (check all that apply):																																					
Sexual intercourse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Oral or anal sexual conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Sexual contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Kidnapping/unlawful imprisonment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Fattorizing/prohibiting prostitution	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Disseminating淫秽 materials to a minor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
Promoting/possessing sexual performance by a child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																		
<p>44. Supervising Agency (i.e., Probation (indicate specific county), Parole) NONE - UNSUPERVISED</p> <p>45. Agency Phone No. (315) 471-1020</p> <p>46. Supervising Officer (if known) NONE</p>																																					
<p>47. Max. Exp. Date of Parole/Probation 7/21/15</p> <p>48. Special Conditions of Release Apply <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Link on Continuation/Supplemental Form) </p> <p>49. Risk Level of Offender: <input type="checkbox"/> One <input type="checkbox"/> Two <input checked="" type="checkbox"/> Three <input type="checkbox"/> Pending Designation: <input type="checkbox"/> Sexual Predator <input type="checkbox"/> Sexually Violent Offender <input type="checkbox"/> Predicated Sex Offender <input type="checkbox"/> Not Applicable Date Assigned: 7/21/15 </p>																																					
<p>50. Residence Address of Offender at Release (Street No., Street Name, Bldg. No., Apt. No.) 120 GIFFORD ST</p> <p>51. City, State, Zip SYRACUSE NY 13202</p> <p>52. County ONONDAGA</p> <p>53. Home Phone No. ()</p>																																					
<p>54. Employer Address of Offender at Release (Street No., Street Name, Bldg. No., Apt. No.) N/A</p> <p>55. City, State, Zip</p>																																					
<p>57. Notifying Agency (i.e., Name of Court, Jail, Prison) ONONDAGA COUNTY COURT</p> <p>58. Notifying Agency Address 505 S. STATE SYRACUSE NY 13202</p> <p>59. Notifying Agency Phone No. (315) 471-1020</p>																																					
<p>60. Signature of Notifying Officer Kelly Redmore</p> <p>61. Name and Title of Notifying Officer KELLY REDMORE COURT CLERK</p> <p>62. Earliest Possible Release Date to Community Mo Day Yr 07 21 2015</p>																																					

The sex offender's signature and date of signature are required below.
 have read the back of this form. I understand I have a duty to register and my duties were explained to me.

Sex Offender's Signature: **REFUSED TO SIGN** Sex Offender's Name (print): _____ Date: **7/21/15**

White - DCJS Yellow - Agency Pink - Offender Goldenrod - Supervising Agency
 CJS - 3230 (4/12)

1 guilty and you get out today. It is up to you.

2 THE DEFENDANT: I want my appeal rights.

3 THE COURT: Okay.

4 MR. BLOSS: Per Maureen, Judge, she said that
5 she said CD on felony and time served on the --

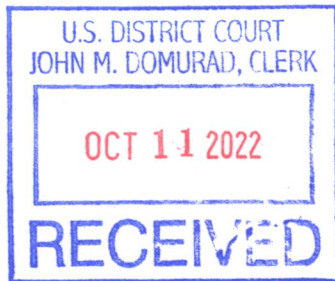
6 THE COURT: Okay, so she wants -- I want to
7 make sure we have a meeting of the minds, which I
8 don't think we are going to momentarily. So --

9 THE DEFENDANT: My thing is this because my
10 appeal rights, because on the 3rd day or about the
11 4th day of April, 2019, Mr. Boyde served Appellate
12 Division Fourth Department copy of Stephen J.
13 Dougherty March 3rd preliminary hearing transcript
14 hearing and original DCJS New York State copy of
15 registration form 44414 by US mail. On the first day
16 of April 2019, Mr. Boyde had also served a copy of
17 said March 3rd transcript to Mr. Phillip Rothschild,
18 Esquire, appellate attorney for Mr. Boyde. That's
19 why. Because the transcript of March 3rd, 2016 is
20 part of this case, part of my --

21 THE COURT: That is what I said, Mr. Boyde. If
22 you succeed on your prior appeals, that would affect
23 this one. If you were to succeed and be found that
24 you shouldn't be on the registry list, it would
25 affect every subsequent prosecution for failure to

NAME: Johnny Boyde
ONONDAGA COUNTY SHERIFF OFFICE
JUSTICE CENTER INMATE CORRESPONDENCE
555 SOUTH STATE STREET
SYRACUSE, NY 13202-2104

ICN: 07001284



~~10~~ United States District Court
c/o Clerk's Office
P.O. Box 7867
200 S. Clinton Street
Syracuse, NY 13261-7867

132613610010061

